

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 NEA-14 ISO-00 AID-20 PM-07 NSC-07 SP-03

SS-20 RSC-01 CIAE-00 INR-10 NSAE-00 SAM-01 IO-14

OMB-01 EB-11 PRS-01 DRC-01 /140 W

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R 201350Z MAY 74

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC 6759

INFO AMEMBASSY LONDON

SECDEF WASHDC

JCS WASHDC

CINCUSNAVEUR

USCINCEUR

COMSIXTHFLT

C O N F I D E N T I A L CAIRO 3360

EO 11652: GDS

TAGS: PFOR MARR EAID EG

SUBJECT: SUEZ CANAL CLEARANCE AGREEMENT

REF: CAIRO 3190

1. MET WITH MFA LEGAL ADVISOR ABDEL HAMID THIS MORNING TO GO OVER RESULTS OF HIS STUDY OF OUR CHANGES IN PROPOSED SUBSTITUTE FAHMY NOTE (STATE 95789). ABDEL HAMID HAD CAREFULLY GONE OVER OUR SUGGESTIONS AND GAVE FOLLOWING REACTIONS THERETO:

2. HE DOES NOT, RPT NOT, WANT TO INCLUDE PROPOSED PHRASE IN PARAGRAPH 2 WHICH READS "CONCERNING THAT PART OF PARAGRAPH 4 OF YOUR NOTE, THE GOVERNMENTS . . ." HE NOTES THAT THIS REPRESENTS REFERENCE TO THIRD PARTY LIABILITY. THE LATTER, HE POINTS OUT, IS A HIGHLY COMPLICATED MATTER IN EGYPT AND TO RAISE IT WILL RESULT IN ENDLESS DELAYS. IN THIS CONNECTION, HE STATES THAT LONG SECTIONS ON THIRD PARTY LIABILITY IN
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ANNEXES OF BRITISH SOFA DRAFT HAVE AND WILL CONTINUE TO

DELAY EGYPTIAN ACCEPTANCE OF THESE ANNEXES FOR WEEKS UNLESS BRITS DROP SUBJECT. ABDEL HAMID INSISTS THAT THIRD PARTY LIABILITY SHOULD BE HANDLED IN INFORMAL CONTEXT OF GOOD WILL ON BOTH SIDES.

3. REGARDING THE PROPOSED LANGUAGE ON NOTIFICATION (VICE AUTHORIZATION) OF VESSELS SUPPORTING THE FORCE FROM EGYPTIAN PORTS AND EGYPTIAN TERRITORIAL WATERS, ABDEL HAMID STATED CATEGORICALLY THAT NOTIFICATION FOR SUCH VESSELS TO DEPART IS NOT SUFFICIENT. HE NOTED EGYPTIAN MINISTRY OF DEFENSE LAWYERS STRESS THAT THE AREAS IN WHICH SUCH SHIPS WILL OPERATE ARE NOT SIMPLY EGYPTIAN TERRITORIAL WATERS AND PORTS, BUT ARE PART OF A CONTINUING WAR ZONE WHICH IS UNDER EGYPTIAN MILITARY AUTHORITY. IN THE CIRCUMSTANCES, GOE BELIEVES IT IS NOT UNREASONABLE TO ASK THAT AUTHORIZATION BE RECEIVED FOR FOREIGN VESSELS OF ALL KINDS TO ENTER AND LEAVE SUCH A MILITARY ZONE. HE CONTENTS, MOREOVER, THAT SINCE WE ALREADY AGREED TO SEEK AUTHORIZATION IN THE CASE OF DEPARTING AIRCRAFT, THERE IS NO REASON FOR MAKING A DISTINCTION BETWEEN AIRCRAFT AND VESSELS. AS A PRACTICAL MATTER, HE STRESSES, THIS WHOLE MATTER IS NOT LIKELY TO BE A PROBLEM. AS A LEGAL MATTER, HOWEVER, GOE CANNOT ACCEPT OUR PROPOSAL. IT WISHES TO STAND BY BY THE PERTINENT LANGUAGE OF PARAGRAPH 3 OF ITS NOTE.

4. REGARDING THE PROPOSED INSERTION OF THE PHRASE "IN THE PRESENCE OF A REPRESENTATIVE OF THE UNITED STATES GOVERNMENT" AT THE END OF PARAGRAPH 4B OF FAHMY'S NOTE, ABDEL HAMID HAS NO PERSONAL OBJECTION TO THIS AND IS PREPARED TO SUBMIT IT AD REFERENDUM TO FAHMY FOR APPROVAL. HE POINTS OUT, MOREOVER, THAT BY HIS PHRASE "PRELIMINARY INTERROGATION" HE INTENDED SUCH SIMPLE MATTERS AS IDENTIFICATION, ASCERTAINING WHETHER AN INDIVIDUAL IS ON LEAVE OR DUTY STATUS, ETC. HIS WHOLE PURPOSE, HE STRESSES, IS TO GET WORD OF ANY SUCH INCIDENT TO APPROPRIATE US EMBASSY OR NAVAL AUTHORITIES SO THAT THE PERSON CAN BE RELEASED IMMEDIATELY. HE OPPOSES ANY SUGGESTION OF 24 OR 48 HOURS (AS THE BRITISH HAVE SUGGESTED) SINCE IT WILL HAVE THE EFFECT OF DELAYING THE PERSON'S RELEASE.

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5. IN ORDER TO AVOID THE EXCHANGE HAVING TO BE SUBMITTED TO THE PEOPLE'S ASSEMBLY, ABDEL HAMID WANTS TO USE THE TERM "ARRANGEMENT" WHEREVER "AGREEMENT" IS USED. HE HAS NO OBJECTION TO AN ADDITIONAL PENULTIMATE PARAGRAPH PRIOR TO THE CLOSING PARAGRAPH INDICATING THAT THE EXCHANGE OF NOTES CONSTITUTES AN ARRANGEMENT BETWEEN OUR TWO GOVERNMENTS.

6. ABDEL HAMID IS PREPARED TO REFER THE ABOVE TO FAHMY FOR APPROVAL. UNLESS DEPT PERCEIVES OBJECTION, I RECOMMEND THAT I BE AUTHORIZED TO TELL HIM TO GO AHEAD WITH THE SUBSTITUTE NOTE SO THAT WE CAN GET IT BY THE END OF THE WEEK.

7. COMMENTS ON SALVAGE AGREEMENT ARE BEING SENT IN SEPTTEL. EILTS

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NNN

Message Attributes

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